

REMARKS

Claims 11 and 13 are canceled. Claims 1, 2 and 15 are currently amended. Claims 3-10, 12, and 14 remain under active prosecution in the present application. Applicants gratefully acknowledge that claims 7-10, 12 and 14 were allowed in the subject Office Action. Applicants respectfully assert that all amendments are supported by the original disclosure and do not introduce new matter. Moreover, Applicants further respectfully assert that the amendments merely clarify the scope of the claims and do not present new issues and thus may be entered under 37 CFR 1.116.

Claim Rejections under 35 USC 112.

In the subject Office Action, claims 1-6 and 15 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (a) In regard to claim 1, on line 3, it is not clear to the examiner where the "articulation motion" is responsive from. (b) On line 4, the examiner could not find any support in the drawings or the specification for an articulation plane. (c) On line 7, the phrase "lateral motion" lacks antecedent basis. (d) On line 8, it is not clear to the examiner what the phrase "intuitively" encompasses. (e) Furthermore, the phrase "direction of articulation" lacks antecedent basis. (f) In lines 7-9, it is not clear to the examiner what new limitation s are being introduced. [outlining of points (a)-(f) added for convenience].

Turning to claim 1, the claim has been further amended (a) to correct the antecedent basis for the phrase "articulation motion" in two instances and to clarify that the articulation motion transfer member transfers the articulation motion between the motion conversion mechanism and the articulation mechanism. Claim 1 has been further amended (b) to change "articulation plane" to "single plane" as used in the Specification in Para. [0037]: "The frame 34 is flexibly attached to the elongate channel 16 via the articulation mechanism 11, enabling articulation in a single plane" [referring to FIGS. 1-2]. (c) Claim 1 has been amended to correct antecedent basis for "lateral motion". (d) Claim 1 has been amended to delete the term "intuitively". (e) Claim 1 has been further amended to add antecedent basis for "direction of articulation" to the articulation mechanism recitation, which the Applicants believe also (f) clarifies the limitation of the

previously presented claim at lines 7-9. Therefore, Applicants submit that the rejections under 35 USC 112 have been overcome and claim 1 is in condition for allowance. Reconsideration and allowance is respectfully requested.

Turning to claim 2, the claim has been amended to recite in part “a shaft including an articulation motion transfer member operatively configured to transfer an articulation motion”, which the Applicants submit overcomes the rejection under 35 USC 112 and places claim 2 in condition for allowance. Reconsideration and allowance is respectfully requested for claim 2, as well as for claims 3-6 that depend therefrom.

Turning to claim 15, the claim as amended recites in part that the end effector moves to an angle in a single plane with the longitudinal axis, as cited in the Specification at Para. [0037]. Applicants respectfully assert that this clarification overcomes the rejection under 35 USC 112 by providing support for the term “plane” formed by the movement of the end effector. Reconsideration and allowance is respectfully requested.

Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Milliman et al (US 6,241,139) in view of Bolanos et al (US 5,575,799). In order to expedite allowance and issue, Applicants have canceled claim 13 in the present application.

Conclusion

In light of the amendments and remarks made herein, it is respectfully submitted that the claims currently pending in the present application are in form for allowance. Accordingly, reconsideration of those claims, as amended herein, is earnestly solicited. Applicants encourage the Examiner to contact their representative, David Franklin at (513) 651-6856 or dfranklin@fbtlaw.com.

The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

<p align="center"><u>CERTIFICATE OF MAILING</u></p> <p>I hereby certify that a copy of this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <p align="center"><u>February 23, 2005</u></p> <p><u>Elizabeth A. Middleton</u> Elizabeth A. Middleton</p>

Respectfully submitted,

Kenneth S. Wales.

By David E. Franklin
David E. Franklin
Registration No. 39,194
Attorney for Applicant(s)
FROST BROWN TODD LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202
(513) 651-6856
dfranklin@fbtlaw.com